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September 27, 2018

VIA ELECTRONIC FILING

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W., Room TW-A306
Washington, D.C. 20554

**Re: Petition for Designation as an Eligible Telecommunications Carrier
Pursuant to Section 214(e)(6) of the Communications Act of 1934
Telecommunications Carriers Eligible for Universal Service Support,
WC Docket No. 09-197**

Dear Secretary Dortch:

On behalf of Gibson Connect, LLC ("Gibson Connect"), a wholly-owned subsidiary of Gibson Electric Membership Corporation, please find attached a petition for designation as an eligible telecommunications carrier ("ETC") pursuant to Section 214(e)(6) of the Communications Act of 1934, 47 U.S.C. § 214(e)(6).

Please contact the undersigned if any questions arise concerning Gibson Connect's ETC petition or if you require any additional information.

Sincerely,

A handwritten signature in blue ink, which appears to read "Todd B. Lantor", is written over a horizontal line.

Todd B. Lantor

Counsel to
Gibson Connect, LLC

Attachment

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Gibson Connect, LLC)	WC Docket No. 09-197
)	
Petition for Designation as an)	
Eligible Telecommunications Carrier)	
Pursuant to Section 214(e)(6) of the)	
Communications Act of 1934)	

**PETITION FOR
ELIGIBLE TELECOMMUNICATIONS CARRIER DESIGNATION**

Pursuant to § 214(e)(6) of the Communications Act of 1934 (“Act”), as amended, and § 54.202 of the Commission’s Rules (“Rules”), Gibson Connect, LLC (“Gibson Connect” or “Petitioner”) respectfully requests designation as a high-cost and low-income Eligible Telecommunications Carrier (“ETC”) in the State of Tennessee in all areas in which Gibson Connect, through its participation in the Rural Electric Cooperative Consortium, has been allocated Connect America Fund (“CAF”) Phase II support as a winner of the CAF Phase II auction (“Auction 903”), as well as in certain additional service areas.

Petitioner is a wholly-owned direct subsidiary of Gibson Electric Membership Corporation (“Gibson EMC”), a non-profit, member-owned electric cooperative. Gibson EMC purchases electricity from the Tennessee Valley Authority (“TVA”). TVA delivers the electricity through its generation and transmission system to Gibson EMC’s 16 substations. The voltage is lowered at Gibson EMC’s substations and delivered to Gibson EMC’s almost 39,000 meters over 3,500 miles of distribution lines in the following eight Tennessee counties: Crockett,

Dyer, Gibson, Haywood, Lake, Lauderdale, Obion and Madison; and the following four Kentucky counties: Carlisle, Fulton, Graves and Hickman.

Petitioner is obligated to obtain ETC designation status within 180 days of the Commission's announcement of its winning bids for the locations it will serve,¹ and requests expeditious action by the Commission so that it may meet this requirement.

I. INTRODUCTION AND SUMMARY

Petitioner is a wholly-owned direct subsidiary of Gibson EMC, a non-profit, member-owned electric cooperative. Gibson Connect is a member of the Rural Electric Cooperative Consortium, which was announced as a winning bidder in Auction 903 for a number of locations in Kentucky and Tennessee.² Pursuant to the process established in the Phase II Auction Closing Public Notice, the Rural Electric Cooperative Consortium has assigned certain winning bids in Kentucky and Tennessee to Gibson Connect.³

Gibson Connect will assist with the deployment and operation of a new state-of-the-art, low latency, fiber-to-the-home ("FTTH") network, that will provide high-speed broadband Internet access and Voice over Internet Protocol ("VoIP") services to cooperative members who lack access to such services. Petitioner will offer Internet service at speeds of 1 Gbps or higher and will provide its customers with voice grade access to the Public Switched Telephone Network ("PSTN") through its interconnected VoIP service.

¹ 47 C.F.R. § 54.315(b).

² This ETC Petition relates only to the winning bids in Tennessee assigned to Gibson Connect. Gibson Connect is in the process of obtaining ETC designation from the Kentucky Public Service Commission for the winning bids assigned to it that are located in the Commonwealth of Kentucky.

³ *Connect America Fund Phase II Auction (Auction 903) Closes, Winning Bidders Announced, FCC Form 683 Due October 15, 2018*, Public Notice, DA No. 18-887, rel. Aug. 28, 2018 ("Phase II Auction Closing Public Notice").

Petitioner seeks (1) high-cost and low-income ETC designation status from the Commission in its winning areas of the CAF Phase II-eligible census block groups listed in Exhibit A1 hereto (the “Auction 903 Census Block Groups”) to deploy voice and broadband services in these areas, as well as low-income ETC designation status throughout the non-winning areas of these same CAF Phase II-eligible Census Block Groups; and (2) low-income ETC designation status in additional service areas primarily consisting of Gibson EMC’s electric service footprint, identified in Exhibit A2 (“Additional Service Areas”).⁴

As discussed in more detail below, the Commission has the authority to grant ETC designation status to Gibson Connect pursuant to § 214(e)(6) of the Act, and Gibson Connect meets all of the statutory and regulatory requirements for ETC designation. Designating Gibson Connect as a high-cost and/or low-income ETC will allow Gibson Connect to receive CAF Phase II support, as well as federal Lifeline support, in its Proposed ETC Service Area and will serve the public interest by enabling Gibson Connect to provide voice and broadband services to its customers – some of whom will be eligible for federal Lifeline benefits.

II. THE COMMISSION HAS AUTHORITY TO GRANT THE ETC DESIGNATION REQUESTED BY GIBSON CONNECT

Pursuant to § 214(e)(6) of the Act, the Commission may designate an ETC where the Petitioner “is not subject to the jurisdiction of a state commission.”⁵ Tenn. Code Ann. § 7-59-307(d) states:

No franchising authority, state agency, municipality, county or political subdivision of the state is authorized to regulate the provision of retail interconnected voice over Internet protocol service.

⁴ In the aggregate, the Auction 903 Census Block Groups and the Additional Service Areas will be referred to as the “Proposed ETC Service Area.”

⁵ 47 U.S.C. § 214(e)(6).

See also Tenn. Code Ann. § 65-5-203 (“the Tennessee public utility commission shall not exercise jurisdiction of any type over or relating to broadband services, regardless of the entity providing the service, except as provided in § 65-5-202(a)”).

In addition, the Tennessee Public Utility Commission has provided an affirmative statement that it will not assert jurisdiction over broadband and/or VoIP providers seeking ETC designation, and that such providers should apply to the FCC to be designated as an ETC.⁶

III. PETITIONER MEETS THE STATUTORY AND REGULATORY PREREQUISITES TO BE DESIGNATED AS AN ETC

As demonstrated herein, Petitioner satisfies each of the statutory and regulatory requirements set forth in the Act and the FCC’s Rules to be a high-cost and low-income ETC.

A. Petitioner Will Provide Service as a Common Carrier

Petitioner will provide service on a common carrier basis in its Proposed ETC Service Area. As such, Gibson Connect certifies that it is a common carrier under §§ 214(e)(1) and 214(e)(6) of the Act.⁷

B. Petitioner Will Offer the Services Supported by the Federal Universal Service Support Mechanisms

As described below, Gibson Connect certifies that it will provide the following services that are supported by federal universal service support mechanisms:⁸

1. Voice Grade Access to the PSTN – Gibson Connect will meet this requirement through the provision of IP-based voice communications service that is interconnected to the PSTN. Gibson Connect will be legally responsible for dealing with customer problems, providing quality of service guarantees, and meeting universal service-related requirements. Gibson Connect will offer stand-

⁶ *See* Exhibit B (Letter dated September 19, 2018 to Gibson Connect President & CEO Dan Rodamaker from Tennessee Public Utility Commission General Counsel Kelly Cashman-Grams).

⁷ *See* Exhibit C (Affidavit of Charles L. Phillips, P.E.) (“Phillips Affidavit”).

⁸ *See id.*

alone voice telephony service throughout its Proposed ETC Service Area, and will offer such service at rates that are reasonably comparable to urban rates. This service will include minutes of use for local service provided at no charge to end users and access to emergency services via 911 or E-911, wherever available from local government or public safety organizations.⁹ Gibson Connect also commits to provide toll limitation services to qualifying low-income consumers as provided in §§ 54.400 - 54.423 of the Rules.¹⁰

2. Broadband Internet Access Services – Gibson Connect’s broadband Internet offering will provide the capability to transmit data to and receive data by wire from all or substantially all Internet endpoints, including any capabilities that are incidental to and enable the operation of the communications service. Gibson Connect will offer low-latency broadband Internet service at speeds of 1 Gbps or higher throughout its Proposed ETC Service Area, and will offer such service at rates that are reasonably comparable to urban rates.¹¹
3. Lifeline Service – Gibson Connect will offer Lifeline voice and broadband services to qualifying low-income consumers in accordance with the FCC’s Rules throughout its Proposed ETC Service Area.¹²

Gibson Connect further commits to provide these services consistent with the FCC’s high-cost and low-income universal service support rules applicable to it.¹³

C. Petitioner Will Provide Service Using Its Own Facilities

Gibson Connect will deploy and operate a new state-of-the-art, low latency, FTTH facilities-based network to provide high-speed broadband Internet access, as well as interconnected VoIP services, to customers and locations in the Auction 903 Census Block

⁹ 47 C.F.R. § 54.101(a)(1) and (b).

¹⁰ 47 C.F.R. § 54.101(a)(1).

¹¹ 47 C.F.R. § 54.101(a)(2).

¹² 47 C.F.R. § 54.405(a), 54.400 *et seq.*

¹³ *See* 47 C.F.R. §§ 54.101 and 54.201.

Groups identified in Exhibit A1, as well as the Additional Service Areas identified in Exhibit A2.¹⁴

D. Petitioner Will Provide the Requisite Supported Services Throughout Its Proposed ETC Service Area

Gibson Connect commits to providing the supported services throughout its Proposed ETC Service Area, consistent with all applicable requirements.¹⁵

E. Petitioner Will Advertise the Availability of Its Services and Charges Using Media of General Distribution

Gibson Connect will advertise the availability of and charges for its supported service offerings using media of general distribution, and will undertake outreach initiatives to increase consumer awareness of its service offerings, consistent with all applicable requirements.¹⁶

Gibson Connect will offer and advertise its broadband and interconnected VoIP services, including those offerings that include all of the supported services, through a combination of media channels, such as television and radio, newspaper, magazines, and other print advertisements, outdoor advertising, direct marketing, and/or the Internet. Gibson Connect will use the appropriate media outlets to advertise its universal service offerings in a manner consistent with applicable requirements.

F. Petitioner Possesses the Financial and Technical Capability to Provide the Supported Services

With the financial backing of its parent, Gibson EMC, Gibson Connect possesses the financial and technical capabilities to pay for all start-up expenses (*e.g.*, construction, hardware,

¹⁴ 47 C.F.R. § 54.201(d)(1).

¹⁵ See 47 C.F.R. §§ 54.101 and 54.201.

¹⁶ 47 C.F.R. § 54.201(d)(2).

operations, *etc.*) to get its fiber optic network built and to begin the provision of voice and broadband services throughout its Proposed ETC Service Area. Gibson Connect will be able to obtain the requisite amount of lending under its existing lines of credit and Gibson Connect will be able to obtain additional financing, in addition to the CAF Phase II support being made available pursuant to Auction 903. Additional construction funding and other financial information will be provided to the FCC by Petitioner as part of its FCC Form 683 application.

G. Petitioner Will Meet the Additional Requirements for Designation as an ETC

Petitioner further certifies that it will meet all of the Commission's requirements for designation as an ETC under § 214(e)(6) of the Act.¹⁷

1. Compliance with Applicable Service and Performance Quality Requirements. Petitioner certifies that it will comply with the service requirements applicable to the support that it receives, including the requirements for CAF Phase II support, and will provide additional information in this regard as part of its FCC Form 683 application, including a certification from a professional engineer that the fiber optic network is capable of delivering voice and broadband service that meets the requisite performance requirements and sufficient capacity to meet customer demand at or above the prescribed levels during peak usage periods.¹⁸
2. Ability to Remain Functional in Emergency Situations. Petitioner certifies that its fiber optic network will have the ability to remain functional in emergency situations, will have a reasonable amount of back-up power to ensure functionality without an external power source, will be able to reroute traffic around damaged facilities and will be capable of managing traffic spikes resulting from emergency situations.¹⁹ Petitioner's fiber optic network will support telephone service using Session Initiation Protocol-based VoIP technology and will support all phone features, including 911 services.

¹⁷ See Exhibit C (Phillips Affidavit).

¹⁸ See 47 C.F.R. § 54.309.

¹⁹ See 47 C.F.R. § 54.202(a)(2).

IV. ANTI-DRUG ABUSE CERTIFICATION

Gibson Connect certifies that no party to this petition is subject to denial of federal benefits, including Commission benefits, pursuant to § 5301 of the Anti-Drug Abuse Act of 1988.²⁰

V. GRANT OF THIS PETITION WILL SERVE THE PUBLIC INTEREST

The grant of this petition will clearly serve the public interest by permitting Gibson Connect to fulfill the objectives of Auction 903 by bringing low latency, gigabit-speed broadband services to consumers in its Proposed ETC Service Area, as well as subsidized voice and broadband services to those households that qualify for federal Lifeline benefits throughout its Proposed ETC Service Area. Petitioner's participation will "encourage the deployment on a reasonable and timely basis of advanced telecommunications capability to all Americans,"²¹ and will aid the Commission's objective of ensuring that federal universal service support, including CAF Phase II support, is used "efficiently and effectively."²²

²⁰ See Exhibit C (Phillips Affidavit).

²¹ 47 U.S.C. § 1302(a).

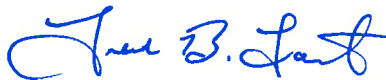
²² *Connect America Fund*, 32 FCC Rcd 968, 975 (¶20) (2017).

VI. CONCLUSION

For all of the foregoing reasons, Gibson Connect respectfully requests that the Commission designate it as a high-cost and/or low-income ETC, as requested, so that Gibson Connect will be eligible to receive CAF Phase II support won via Auction 903, as well as provide Lifeline services to those within its Proposed ETC Service Area who are qualified to receive federal Lifeline benefits.

Respectfully submitted,

Gibson Connect, LLC



Todd B. Lantor
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Tysons, VA 22102
Phone: (703) 584-8678
E-mail: tlantor@fcclaw.com

Counsel for Gibson Connect, LLC

September 27, 2018

EXHIBIT A1

**AUCTION 903 CENSUS BLOCK GROUPS IN WHICH
PETITIONER SEEKS HIGH-COST AND LOW-INCOME ETC DESIGNATION
WITHIN ITS CAF PHASE II WINNING AREAS**

470339614002
470459640001
470539663001
470539674001
470959601001
470959602003
471319651002
471319652001
471319653001
471319653002
471319654002
471319654003
471319656003
471319658002
471839683001
470339610002
470959602001
471319651001
471319655002
471319658001

EXHIBIT A2

**ADDITIONAL SERVICE AREAS WHERE
PETITIONER SEEKS LOW-INCOME-ONLY (LIFELINE) ETC DESIGNATION**

Note: Where indicated by (*) below, Petitioner is seeking Lifeline-only ETC designation in only the non-CAF Phase II winning areas of the Census Block Group.

470339614002*
470459640001*
470539663001*
470539674001*
470959601001*
470959602003*
471319651002*
471319652001*
471319653001*
471319653002*
471319654002*
471319654003*
471319656003*
471319658002*
471839683001*
470339610002*
470959602001*
471319651001*
471319655002*
471319658001*
470339610001
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471319657003
471319659001
471319659002
471839680001
471839681021
471839682011
471839682012
471839682013
471839686001
471839686003

EXHIBIT B

**AFFIRMATIVE STATEMENT FROM
THE TENNESSEE PUBLIC UTILITY COMMISSION**

TENNESSEE PUBLIC UTILITY COMMISSION



502 Deaderick Street, 4th Floor
Nashville, Tennessee 37243

September 19, 2018

Mr. Dan Rodamaker
President & CEO
Gibson Connect, LLC
1207A S. College St.
Trenton, TN 38382

RE: Request for Letter Clarifying Jurisdiction over Voice over Internet Protocol
Gibson Connect, LLC

Dear Mr. Rodamaker:

As requested via email dated September 17, 2018, enclosed is a letter confirming, as required by the Federal Communications Commission, that the Tennessee Public Utility Commission does not exercise jurisdiction over broadband and Voice over Internet Protocol providers seeking Competitive Eligible Telecommunications Carrier designation (see Tenn. Code Ann. § 7-59-307(d)).

Regards,

A handwritten signature in black ink, reading "Kelly Cashman-Grants".

Kelly A. Cashman-Grants
General Counsel

cc: Mark W. Smith, Esq., Miller & Martin PLLC
Earl R. Taylor, Executive Director
David Foster, Director, Utilities Division

EXHIBIT C

**AFFIDAVIT OF
CHARLES L. PHILLIPS, P.E.
VICE PRESIDENT OF TECHNICAL SERVICES
GIBSON ELECTRIC MEMBERSHIP CORPORATION**

AND

**VICE PRESIDENT OF OPERATIONS
GIBSON CONNECT, LLC**

AFFIDAVIT OF CHARLES L. PHILLIPS, P.E.

STATE OF TENNESSEE)
) SS.
COUNTY OF GIBSON)

Charles L. Phillips, P.E., after being duly sworn, states the following:

1. I have personal knowledge of the facts and information set forth in this Affidavit and I am competent to testify to these facts if called as a witness.
2. I am the Vice President of Technical Services of Gibson Electric Membership Corporation ("Gibson Electric") and Vice President of Operations of its wholly-owned direct subsidiary, Gibson Connect, LLC ("Gibson Connect"). Acting on behalf of Gibson EMC and Gibson Connect, I have read the Petition to which this Affidavit is attached. I have knowledge of the facts stated in the Petition and those facts are true to the best of my knowledge and my belief.
3. Gibson Connect certifies that it is a common carrier under §§ 214(e)(1) and 214(e)(6) of the Communications Act of 1934, as amended ("Act").
4. Gibson Connect commits to provide the services and functionalities required for designation as a high-cost and/or low-income Eligible Telecommunications Carrier ("ETC") in the winning areas of the Census Block Groups identified in Exhibit A1 and A2 to the Petition.
5. Gibson Connect certifies that it will meet all of the Commission's requirements for designation as an ETC under § 214(e)(6) of the Act.
6. I am the corporate officer responsible for certifying Gibson Connect's use of federal high-cost support. Petitioner is eligible to be designated as an ETC within the meaning of Section 214(e) of the Act, and is eligible to receive universal service support pursuant to Section 254(e) of the Act.
7. Petitioner will use the federal high-cost support funds that it receives only to provide, deploy, upgrade and/or maintain facilities and services for which the support is intended.

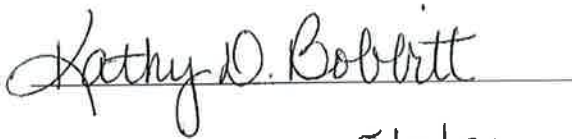
8. Petitioner certifies that no party to this petition is subject to denial of federal benefits, including Commission benefits, pursuant to § 5301 of the Anti-Drug Abuse Act of 1988.



Charles L. Phillips, P.E.
Vice President of Technical Services
Gibson Electric Membership Corporation and
Vice President of Operations
Gibson Connect, LLC

County of Gibson
State of Tennessee

The foregoing instrument was acknowledged before me
this 21 day of September, 2018, by Charles L. Phillips, P.E.



My commission expires: 5/11/21

